

IC 27-19-4

Chapter 4. Health Benefit Exchange Navigators and Application Organizations

IC 27-19-4-1

Application of chapter

Sec. 1. (a) This chapter applies to a person that acts as a navigator or an application organization for a health benefit exchange in Indiana. This chapter must be applied in conformity with PPACA.

(b) An individual who intends to act as a navigator shall obtain certification under this chapter before acting as a navigator.

(c) An entity that intends to act as an application organization shall obtain registration under this chapter before acting as an application organization.

(d) The following are subject to regulation by the commissioner and the secretary:

(1) A navigator.

(2) An application organization.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-2

Regulation of navigator and application organization

Sec. 2. Neither a navigator nor an application organization is subject to the licensing requirements of IC 27-1-15.6.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-3

Requirements for navigator and application organization; violation

Sec. 3. (a) A person that is a navigator or an application organization must meet all the following:

(1) Shall not provide incorrect, misleading, incomplete, or materially untrue information in an application for certification or registration.

(2) Shall not violate any of the following:

(A) An insurance law.

(B) A regulation.

(C) A subpoena of the commissioner.

(D) An order of the commissioner.

(E) A rule of a health benefit exchange operating in Indiana.

(F) A rule adopted under IC 27-19-3-3(d).

(G) PPACA or a federal regulation adopted under PPACA.

(3) Shall not intentionally misrepresent the terms of an actual or proposed insurance contract or application for insurance.

(4) Must not have had:

(A) an insurance producer or consultant license;

(B) a navigator certification or an application organization registration; or

(C) an equivalent to a license, certification, or registration described in clause (A) or (B);

denied, suspended, or revoked in any state, province, district, or

territory.

(5) If the person is a navigator, shall not fail to satisfy the continuing education requirements established under section 12 of this chapter.

(6) Shall not obtain or attempt to obtain a license, certification, or registration through misrepresentation or fraud.

(7) Shall not fail to disclose a conflict of interest to the commissioner:

(A) in an application under this chapter; or

(B) arising after application is made under this chapter.

(8) If the person is a navigator, must not have been convicted of a felony or other crimes determined by the commissioner or secretary.

(9) Must not have admitted to committing or have been found to have committed an unfair trade practice or fraud in the business of insurance.

(10) Shall not use fraudulent, coercive, or dishonest practices, or demonstrate incompetence or untrustworthiness, in acting as a navigator or an application organization.

(11) Shall not improperly use notes or other reference material to complete an examination for certification under this chapter.

(12) If the person is a navigator, must not have failed, and shall not fail, to comply with an administrative or court order imposing a child support obligation.

(13) Must not have failed, and shall not fail, to pay state income tax or comply with any administrative or court order directing payment of state income tax.

(14) Shall not fail to timely inform the commissioner of a change in legal name or address.

(15) If the person is an application organization, shall not fail to verify that each navigator working for the application organization meets the following requirements:

(A) The navigator is certified under this chapter.

(B) The navigator has not committed an act that would be grounds for denial, suspension, or revocation of certification under this chapter.

(16) Shall not receive consideration from a health insurance issuer (as defined in Section 2791 of the federal Public Health Service Act (42 U.S.C. 300gg-91)) in connection with the enrollment of an individual in a health plan.

(b) The commissioner may:

(1) reprimand a navigator or an application organization;

(2) levy a civil penalty against a navigator or an application organization;

(3) place a navigator or an application organization on probation;

(4) suspend a navigator's certification or an application organization's registration;

(5) revoke a navigator's certification or an application organization's registration for a period of years;

- (6) permanently revoke a navigator's certification or an application organization's registration;
- (7) issue a cease and desist order to a navigator or an application organization; or
- (8) take any combination of the actions described in subdivisions (1) through (7);

for a violation described in subsection (a).

As added by P.L.278-2013, SEC.27.

IC 27-19-4-4

Implementation of chapter

Sec. 4. The commissioner shall, in consultation with the secretary, do the following to implement this chapter:

- (1) Develop a policy concerning conflicts of interest affecting navigators and application organizations, including conflicts of interest involving financial and nonfinancial considerations.
- (2) Develop a consumer complaint procedure and applicable forms for filing a complaint.
- (3) Define a reasonable period for the duration of navigator certification, after which the navigator must pay a renewal fee, complete continuing education, and reapply for certification.
- (4) Define a reasonable period for the duration of application organization registration, after which the application organization must pay a renewal fee and reapply for registration.
- (5) Develop a policy, procedure, and form for use by an application organization to attest to the commissioner that a navigator who provides the navigator's services on behalf of the application organization meets the requirements of section 3 of this chapter.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-5

Navigator application for certification

Sec. 5. (a) Before acting as a navigator in Indiana, an individual must:

- (1) apply for certification as a navigator on a form prescribed by the commissioner; and
- (2) declare, under penalty of denial, suspension, or revocation of the certification, that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief.

(b) Before approving an application submitted under subsection (a), the commissioner shall determine whether the individual meets the following requirements:

- (1) The individual is at least eighteen (18) years of age.
- (2) The individual has not committed any act described in section 3 of this chapter that would be grounds for denial, suspension, or revocation of certification.
- (3) The individual has completed a precertification course of

study prescribed by the commissioner.

(4) The individual has paid the nonrefundable fee established under section 7 of this chapter.

(5) The individual has successfully passed the examination required by section 11 of this chapter.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-6

Application organization application for registration

Sec. 6. (a) Before acting as an application organization in Indiana, an entity must be registered as an application organization as follows:

(1) The entity must apply for registration as an application organization on a form prescribed by the commissioner.

(2) The entity's application for registration:

(A) must be signed by an individual who is an owner, partner, officer, director, member, or manager of the entity, under penalty of denial, suspension, or revocation of registration; and

(B) must declare that the statements made in the application are true, correct, and complete to the best of the signing individual's knowledge and belief.

(b) Before approving an application submitted under subsection (a), the commissioner shall:

(1) verify that the entity is in good standing with the Indiana secretary of state; and

(2) determine whether the entity meets the following requirements:

(A) The entity has paid the nonrefundable fee established under section 7 of this chapter.

(B) The entity has designated a certified navigator to be responsible for the entity's compliance with this chapter.

(C) The entity has not committed any act described in section 3 of this chapter that would be grounds for denial, suspension, or revocation of registration.

(D) No owner, partner, officer, director, member, or manager of the entity has committed an act described in clause (C) or in section 3 of this chapter that would be grounds for denial, suspension, or revocation of certification as a navigator under this chapter.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-7

Verification of information; fees

Sec. 7. (a) The commissioner may require the production of any document that is reasonably necessary to verify the information contained in an application submitted under section 5 or 6 of this chapter.

(b) The commissioner shall collect from each applicant for certification or registration under this chapter a nonrefundable

application fee established by the commissioner in an amount expected to generate revenue sufficient to cover the costs incurred by the commissioner in implementing this chapter.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-8

Navigator appointment by application organization

Sec. 8. (a) A navigator who works for an application organization must be appointed by the application organization in writing.

(b) If an application organization, because of a violation described in section 3 of this chapter, revokes the appointment of a navigator described in subsection (a) who works for the application organization, the application organization shall, not more than thirty (30) days after the revocation occurs:

(1) submit a written report to the commissioner concerning the revocation; and

(2) provide a copy of the report to the navigator at the navigator's last known address by:

(A) certified mail, return receipt requested, postage prepaid; or

(B) overnight delivery using a nationally recognized carrier.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-9

Navigator certification renewal; waiver

Sec. 9. A certified navigator who is unable to comply with the certification renewal procedures under this chapter due to military service or another extenuating circumstance may request from the commissioner:

(1) a temporary waiver of:

(A) the renewal procedure; or

(B) an examination requirement; or

(2) a waiver of a penalty or sanction that might otherwise be imposed for failure to comply with the renewal procedures.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-10

Content of certification or registration; change of information

Sec. 10. (a) A certification or registration under this chapter must contain the navigator's or application organization's name and address, the date of issuance, the expiration date, and any other information the commissioner considers necessary.

(b) A navigator or an application organization shall inform the commissioner of a change of address or legal name:

(1) not more than thirty (30) days after the change occurs; and

(2) by any means acceptable to the commissioner.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-11

Navigator course of study and examination

Sec. 11. (a) An individual who applies for certification as a navigator in Indiana must complete a course of study and pass a written examination as prescribed by the commissioner in consultation with the secretary.

(b) The course of study required under subsection (a) must provide instruction in:

- (1) the functions of a health benefit exchange;
- (2) the duties and responsibilities of a navigator;
- (3) the insurance laws of Indiana that apply to the functions of a navigator with respect to a health benefit exchange, including rules related to public health insurance programs; and
- (4) the obligations of a navigator related to confidentiality of information and conflicts of interest.

(c) The examination required by subsection (a) must test the knowledge of the individual concerning the applicable:

- (1) functions of a health benefit exchange;
- (2) duties and responsibilities of a navigator;
- (3) insurance laws of Indiana that apply to the functions of a navigator with respect to a health benefit exchange, including rules related to public health insurance programs; and
- (4) the obligations of a navigator related to confidentiality of information and conflicts of interest.

(d) The commissioner:

- (1) in consultation with the secretary, shall develop:
 - (A) a curriculum for a course of study for navigators; and
 - (B) policies and procedures to allow a registered application organization to develop a training program and a course curriculum that meets the requirements of subsection (b) for use in training navigators who perform the navigators' services on behalf of the registered application organization; and
- (2) may contract with one (1) or more third party organizations to do any of the following with respect to the course of study described in subdivision (1)(A):
 - (A) Develop examinations and course materials.
 - (B) Administer examinations and courses of study.
 - (C) Collect nonrefundable course and examination fees.

(e) All training programs, course curriculums, examinations, course materials, and examination fees referred to in subsection (d) must be approved in advance by the commissioner in consultation with the secretary.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-12

Navigator continuing education

Sec. 12. (a) The commissioner:

- (1) in consultation with the secretary, shall develop continuing education requirements for navigators; and
- (2) may contract with one (1) or more third party organizations to:

- (A) develop continuing education materials to meet the requirements developed under subdivision (1);
- (B) administer continuing education programs; and
- (C) collect nonrefundable continuing education program fees.

(b) All continuing education materials, programs, and fees referred to in subsection (a)(2) must be approved in advance by the commissioner in consultation with the secretary.

(c) The commissioner may require a navigator to complete specific continuing education requirements, as prescribed by the commissioner in consultation with the secretary, as a prerequisite to the authority to perform specific functions with respect to a health benefit exchange.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-13

Reapplication for examination

Sec. 13. An individual who fails to:

- (1) appear for a scheduled examination required under section 11(a) of this chapter; or
- (2) pass the examination;

may not be rescheduled for the examination unless the individual reapplies for the examination and remits all required fees and forms.

As added by P.L.278-2013, SEC.27.

IC 27-19-4-14

Insurance producer acting as navigator

Sec. 14. (a) An insurance producer or insurance consultant:

- (1) may not act as a navigator unless the insurance producer or insurance consultant has completed the continuing education requirements that apply to a navigator; and
- (2) shall receive a designation from the commissioner as a navigator upon completion of the continuing education requirements;

under this chapter.

(b) The commissioner may require an insurance producer or insurance consultant to complete specific continuing education requirements, as prescribed by the commissioner in consultation with the secretary, as a prerequisite to the authority to perform specific functions with respect to a health benefit exchange.

(c) An insurance producer or insurance consultant is not required to complete continuing education hours of credit in excess of the required number of hours of credit in continuing education that apply to the insurance producer or insurance consultant under IC 27-1-15.7.

As added by P.L.278-2013, SEC.27.